

CERTIFICATE OF FAXING

LUD 5531.1 DIV(10101429)

I hereby certify that this correspondence is being facsimiled to Special Program Examiner Julie Burke whose fax number is 1703 308-7230 and to Examiner Marianne DiBrino whose fax number is 1703 872-9306 at the Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on December 17, 2003. By Fani Malikouzakis

Signature: Fani Malikouzakis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Thierry Boon-Falleur, et al.  
Serial No. : 09/782,745  
Filed : February 13, 2001  
For : ISOLATED NUCLEIC ACID MOLECULES WHICH  
ENCODE GAGE GENES AND USES THEREOF  
Group Art Unit : 1644  
Examiner : Marianne DiBrino

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 17, 2003

**RESPONSE TO DECISION ON PETITION  
AND TO ADVISORY ACTION**

Sir:

The Decision on Petition, dated December 5, 2003, gave applicants a two-month period to respond, i.e., request reconsideration. The Decision states:

“Absent a statement from applicant, which clearly sets forth that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct, one from another, these inventions will be considered patentably distinct.”

In response, applicants now hereby state that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct. As such, SEQ ID NOS: 15, 16, 17, and 18 should be examined.

It is unclear which time frame applies for response. As noted, supra, the Decision on Petition set forth a 2-month period for response, so the due date would be **February 5, 2004**.

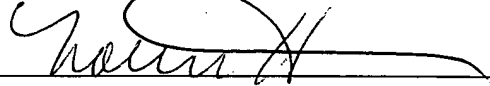
Applicants filed a Notice of Appeal on October 14, 2003, however, and the response would be due on **December 15, 2003**.

Should applicants require one, an extension of time is requested, be it one, two, or three months, and authorization is given to charge Deposit Account No. 500624 for the fees associated therewith.

It is presumed that SEQ ID NOS: 15, 16, 17, and 18 may now be examined.

Respectfully submitted,

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